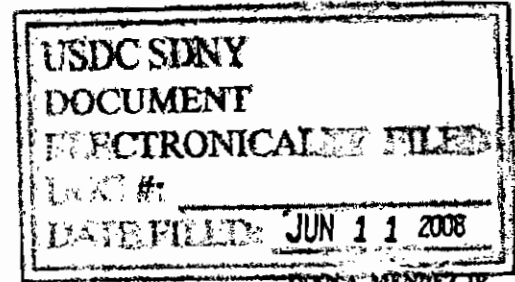




THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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NEW YORK, NY 10007

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June 9, 2008

**By Facsimile Transmission**

Honorable Laura Taylor Swain  
United States District Judge  
Southern District of New York  
500 Pearl Street, Rm. 755  
New York, New York 10007

**MEMO ENDORSED**

Re: Hochstadt v. NYC Dep't. of Education, et al.  
Civil Action No. 08 Civ. 2420 (LTS)(HBP)  
Law Dep't No. 2008-013245

Dear Judge Swain:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel for the City of New York, attorney for defendants the New York City Department of Education ("DOE"), Joel Klein, Dr. Eloise Messineo, and Donna LoPiccolo ("City Represented Defendants"), in the above referenced employment discrimination action. I write to respectfully request that the City Represented Defendants' time to respond to the Amended Complaint be extended from June 10 to June 24, 2008. This is the City Represented Defendants' first request for an extension of time to respond to the Amended Complaint<sup>1</sup>, and plaintiff's counsel consents to this request. The requested extension will not affect any other scheduled dates. We also respectfully request that the time of defendants Richard Weiss, and Robert Nissen, all of whom are or were DOE employees, be similarly extended *sua sponte* by the Court.

Additional time is needed for my Office to investigate the new allegations in the Amended Complaint, and make final representation decisions concerning the remaining

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<sup>1</sup> The Court previously granted an extension of time to respond to the original complaint in this action [Docket # 15].

**HONORABLE LAURA TAYLOR SWAIN**

United States District Judge

Hochstadt v. NYC Dep't. of Education, et al.

Civil Action No. 08 Civ. 2420 (LTS)(HBP)

June 9, 2008

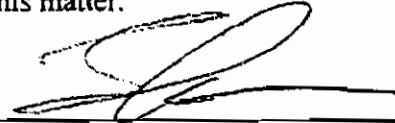
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unrepresented defendants. See General Municipal Law § 50(k); Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985); Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law). If representation is offered then the individual defendants must determine whether to accept representation by this Office. See Dunton v. County of Suffolk, 729 F.2d 903 (2d Cir. 1984). In the interest of judicial economy, we would hope that the Court may extend the time to answer on behalf of all defendants.

It is therefore respectfully requested that the City Represented Defendants' time to respond to the complaint be extended, and that the Court, *sua sponte*, similarly extend defendants Weiss's, and Nissen's time to respond from June 10 to June 24, 2008.

We thank the Court for its consideration in this matter.

By:

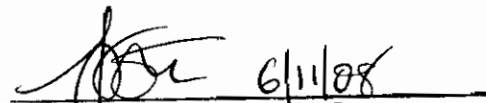


Ivan A. Mendez, Jr.  
Assistant Corporation Counsel

cc: **JAMES R. SANDNER,**  
Attorney for Plaintiff  
52 Broadway, 9<sup>th</sup> Floor  
New York, New York 10007  
Attn: Wendy M. Star  
(By Facsimile Transmission)

*The foregoing extensions are granted.*

**SO ORDERED.**

  
6/11/08  
LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE